

Notice of Allowability

Application No.

10/800,119

Examiner

Marisol Figueroa

Applicant(s)

FONG ET AL.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 01/17/2006.
2. ☒ The allowed claim(s) is/are 1-5, 7 and 10-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Allowable Subject Matter

2. **Claims 1-5, 7, 10-27** (*renumbered as 1-24, respectively*) are allowed.

3. The following is an examiner's statement of reasons for allowance:

Claim 1 is allowed because the closest prior art, Hsu et al. (US 2005/0111358 A1), either singularly or in combination, fail to anticipate or render obvious a method for use in a wireless communication network, comprising sending, from a base station, at least one trigger corresponding to a trigger condition, the trigger parameter comprising at least one of a first parameter relating to power headroom increase at the mobile station, and a second parameter relating to power headroom decrease at the mobile station, and in response to the occurrence of the trigger condition, receiving in a reverse wireless link, information relating to status of a buffer in the mobile station and data rate used by the mobile station.

Claim 14 is allowed because the closest prior art, Hsu et al. (US 2005/0111358 A1), either singularly or in combination, fail to anticipate or render obvious an article comprising at least one storage medium containing instructions that when executed cause a mobile station to detect that a trigger condition has occurred, the trigger condition comprising one of a power headroom increase at the mobile station exceeding a first value, and a power headroom decrease at the mobile station exceeding a second value; send, in a reverse wireless link in response to detecting the trigger condition, a message having at least two field that contain information indicative of a data rate for

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transmission by the mobile station in the reverser wireless link, the information based on at least one of buffer occupancy and power headroom.

Claim 20 is allowed because the closest prior art, Hsu et al. (US 2005/0111358 A1), either singularly or in combination, fail to anticipate a mobile station with a controller for sending information relating to a status of a buffer and information relating to a data rate over a wireless link in response to a trigger condition comprising a current power headroom differing from a previous power headroom by more than a predetermined amount.

Claims 2-5, 7, 11-13, 15-19, 21-27 are allowed as being dependent upon independent claims that have been allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Gholmieh et al. (US 2004/0147276 A1).

(b) Honkasalo (US 6,510,148 B1).

(b) Soong et al. (US 2004/0062206 A1).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m..

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6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Marisol Figueroa
Art Unit 2617


LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER